

HB 3127 - H AMD 777

By Representative Talcott

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that expanding
4 activity in educational research, educational restructuring, and
5 educational improvement initiatives has produced and continues to
6 produce much valuable information. The legislature finds that such
7 information should be shared with the citizens and educational
8 community of the state as widely as possible. The legislature
9 further finds that students and schools benefit from increased
10 parental, guardian, and community knowledge of and input regarding
11 the delivery of public education. The legislature further finds
12 that increased knowledge of and input regarding the public
13 education system is particularly needed in low-income and ethnic
14 minority communities.

15 The legislature finds that the center for the improvement of
16 student learning, created by the legislature in 1993 under the
17 auspices of the superintendent of public instruction, has not been
18 allocated funding since the 2001-2003 biennium, and in effect no
19 longer exists. It is the intent of the legislature to reactivate
20 the center for the improvement of student learning, and to create
21 within the center an educational ombudsman to serve as a resource
22 center for parents and students and as an advocate for students in
23 the public education system.

24 **Sec. 2.** RCW 28A.300.130 and 1999 c 388 s 401 are each amended
25 to read as follows:

26 (1) (~~Expanding activity in educational research, educational~~
27 ~~restructuring, and educational improvement initiatives has produced~~
28 ~~and continues to produce much valuable information. The legislature~~
29 ~~finds that such information should be shared with the citizens and~~

1 ~~educational community of the state as widely as possible.))~~ To
2 facilitate access to information and materials on educational
3 improvement and research, the superintendent of public instruction,
4 to the extent funds are appropriated, shall establish the center
5 for the improvement of student learning. The primary purpose of the
6 center is to provide assistance and advice to parents, school board
7 members, educators, and the public regarding strategies for
8 assisting students in learning (~~(the essential academic learning~~
9 ~~requirements pursuant to RCW 28A.630.885)).~~ The center shall work
10 in conjunction with (~~(the academic achievement and accountability~~
11 ~~commission))~~ parents, educational service districts, institutions
12 of higher education, and (~~(education))~~ educational, parent,
13 community, and business organizations.

14 (2) The center, in conjunction with other staff in the office
15 of the superintendent of public instruction, shall:

16 (a) (~~(Serve as a clearinghouse for the completed work and~~
17 ~~activities of the academic achievement and accountability~~
18 ~~commission))~~ Administer the education ombudsman program established
19 by section 3 of this act;

20 (b) Serve as a clearinghouse for information regarding
21 successful educational improvement and parental involvement
22 programs in schools and districts, and information about efforts
23 within institutions of higher education in the state to support
24 educational improvement initiatives in Washington schools and districts;

25 (c) Provide best practices research and advice that can be used
26 to help schools develop and implement: Programs and practices to
27 improve instruction (~~(of the essential academic learning~~
28 ~~requirements under section 701 of this act)); systems to analyze
29 student assessment data, with an emphasis on systems that will
30 combine the use of state and local data to monitor the academic
31 progress of each and every student in the school district;
32 comprehensive, school-wide improvement plans; school-based shared
33 decision-making models; programs to promote lifelong learning and
34 community involvement in education; school-to-work transition
35 programs; programs to meet the needs of highly capable students;
36 programs and practices to meet the diverse needs of students based
37 on gender, racial, ethnic, economic, and special needs status;
38 research, information, and technology systems; and other programs
39 and practices that will assist educators in helping students learn~~

1 the essential academic learning requirements;

2 (d) Develop (~~and distribute, in conjunction with the academic~~
3 ~~achievement and accountability commission,~~) parental involvement
4 materials, including instructional guides developed to inform
5 parents of the essential academic learning requirements required by
6 the superintendent of public instruction. The instructional guides
7 also shall contain actions parents may take to assist their
8 children in meeting the requirements, and should focus on reaching
9 parents who have not previously been involved with their children's
10 education;

11 (e) Identify obstacles to greater parent and community
12 involvement in school shared decision-making processes and
13 recommend strategies for helping parents and community members to
14 participate effectively in school shared decision-making processes,
15 including understanding and respecting the roles of school building
16 administrators and staff;

17 (f) Develop and maintain an internet web site to increase the
18 availability of information, research, and other materials;

19 (g) Take other actions to increase public awareness of the
20 importance of parental and community involvement in education;

21 (h) Work with appropriate organizations to inform teachers,
22 district and school administrators, and school directors about the
23 waivers available and the broadened school board powers under RCW
24 28A.320.015;

25 (i) Provide training and consultation services(~~(, including~~
26 ~~conducting regional summer institutes)~~);

27 (j) Address methods for improving the success rates of certain
28 ethnic and racial student groups; and

29 (k) Perform other functions consistent with the purpose of the
30 center as prescribed in subsection (1) of this section.

31 (3) The superintendent of public instruction, after
32 consultation with the (~~academic achievement and accountability~~
33 ~~commission~~)education advisory committee created in section 9 of
34 this act, shall select and employ a director for the center.

35 (4) The superintendent may enter into contracts with
36 individuals or organizations including but not limited to: (~~School~~
37 ~~districts; educational service districts;~~) Educational
38 organizations; (~~teachers; higher education faculty; institutions~~
39 ~~of higher education;~~) state agencies; business or community-based

1 organizations; and other individuals and organizations to
2 accomplish the duties and responsibilities of the center. However,
3 the superintendent may not contract with any school, school
4 district, or current employee of any school or school district to
5 provide ombudsman services. In carrying out the duties and
6 responsibilities of the center, the superintendent, whenever
7 possible, shall use practitioners to assist agency staff as well as
8 assist educators and others in schools and districts.

9 NEW SECTION. Sec. 3. There is created within the center for the
10 improvement of student learning the office of the education
11 ombudsman for the purpose of providing information to school
12 districts, school administrators, teachers, parents, students, and
13 others regarding their rights and responsibilities with respect to
14 the state's public elementary and secondary education system,
15 monitoring and ensuring compliance with administrative acts,
16 statutes, and policies relating to public elementary and secondary
17 education, and advocating on behalf of elementary and secondary
18 students. The education ombudsman shall be appointed by the
19 superintendent of public instruction and shall report to the
20 superintendent of public instruction and the director of the center
21 for the improvement of student learning.

22 NEW SECTION. Sec. 4. (1) The education ombudsman shall have the
23 following powers and duties:

24 (a) To provide information to students, parents, school
25 districts, school administrators, teachers, and interested members
26 of the public regarding this state's public elementary and
27 secondary education system;

28 (b) To investigate, upon the education ombudsman's initiative
29 or upon receipt of a complaint, an administrative act alleged to be
30 contrary to law, rule, or policy; however, the education ombudsman
31 may decline to investigate any complaint;

32 (c) To refer complainants and others to appropriate resources,
33 agencies, or departments;

34 (d) To assist in the resolution of complaints made by parents
35 and students with regard to the state's public elementary and
36 secondary education system; and

37 (e) To carry out such other activities as the superintendent of

1 public instruction or the director of the center for the
2 improvement of student learning deems appropriate.

3 (2) To perform all duties in this section, the education
4 ombudsman shall partner and contract with one or more state
5 nonprofit organizations that serve as representatives of parents.

6 NEW SECTION. Sec. 5. (1) The education ombudsman and any
7 regional education ombudsmen shall have training or experience or
8 both in the following areas:

9 (a) Public education law and policy in this state; and

10 (b) Dispute resolution or problem resolution techniques,
11 including investigation, mediation, and negotiation.

12 (2) The education ombudsman may not be employed by any school
13 district, the office of the superintendent of public education or
14 the state board of education while serving as an education ombudsman.

15 (3) The superintendent of public instruction may appoint the
16 director of the center for the improvement of student learning to
17 also serve as the education ombudsman.

18 NEW SECTION. Sec. 6. (1) Neither the education ombudsman nor
19 any regional educational ombudsmen are liable for good faith
20 performance of responsibilities under this chapter.

21 (2) No discriminatory, disciplinary, or retaliatory action may
22 be taken against any student or employee of any school district,
23 the office of the superintendent of public education, or the state
24 board of education, for any communication made, or information
25 given or disclosed, to aid the education ombudsman in carrying out
26 his or her duties and responsibilities, unless the same was done
27 without good faith or maliciously. This subsection is not intended
28 to infringe upon the rights of a school district to supervise,
29 discipline, or terminate an employee for other reasons or to
30 discipline a student for other reasons.

31 (3) All communications by the education ombudsman or the
32 ombudsman's staff or designee, if reasonably related to the
33 education ombudsman's duties and responsibilities and done in good
34 faith, are privileged and that privilege shall serve as a defense
35 to any action in libel or slander.

36 NEW SECTION. Sec. 7. The education ombudsman shall treat all

1 matters under investigation, including the identities of students,
2 complainants, and individuals from whom information is acquired, as
3 confidential, except as necessary to enable the education ombudsman
4 to perform the duties of the office and to support any
5 recommendations resulting from the investigation. Upon receipt of
6 information that by law is confidential or privileged, the
7 ombudsman shall maintain the confidentiality of such information
8 and shall not further disclose or disseminate the information
9 except as provided by applicable state or federal law.
10 Investigative records of the education ombudsman are confidential
11 and are exempt from public disclosure under chapter 42.56 RCW.

12 NEW SECTION. **Sec. 8.** When the education ombudsman or a
13 designee of the ombudsman has reasonable cause to believe that any
14 public official, employee, or other person has acted in a manner
15 warranting criminal or disciplinary proceedings, he or she shall
16 report the matter, or cause a report to be made, to the appropriate
17 authorities. For purposes of this section, reasonable cause means
18 the ombudsman or the ombudsman's staff member or designee has
19 direct knowledge of the action warranting criminal or disciplinary
20 proceedings or has determined through an investigation that the
21 allegations or information provided by another person relating to
22 such actions are credible.

23 NEW SECTION. **Sec. 9.** (1) The superintendent of public
24 instruction shall establish an education advisory committee
25 consisting of at least eleven and no more than fifteen members
26 appointed by the superintendent of public instruction. The
27 superintendent of public education, or his or her designee, shall
28 serve as a nonvoting ex officio member of the committee and shall
29 act as secretary.

30 (2) At least five members of the committee shall be parents or
31 guardians of children enrolled in the public elementary or
32 secondary education system in this state. At least one of these
33 members shall be a parent or guardian of a "special education
34 student" as that term is defined by the superintendent of public
35 instruction. In addition, at least one of these members shall be a
36 member of the Washington Congress of Parents and Teachers.

37 (3) At least one member shall be a certificated employee or

1 administrator in a public elementary or secondary school in this state.

2 (4) At least one member shall be a commissioner or director, or
3 a designee selected by a commissioner or director, from each of the
4 following:

5 (a) The Washington state commission on Hispanic affairs;

6 (b) The Washington state commission on African-American
7 affairs;

8 (c) The Washington state commission on Asian Pacific American
9 affairs; and

10 (d) The governor's office of Indian affairs.

11 (5) The members of the education advisory committee shall be
12 representative of the geographic regions of the state, including
13 eastern and central Washington, as well as representative of the
14 ethnic diversity of the state.

15 (6) Members of the committee shall serve at the pleasure of the
16 superintendent of public instruction for three-year terms. Of the
17 initial members appointed, two members shall serve one-year terms,
18 three members shall serve two-year terms, and the remaining members
19 shall serve three-year terms.

20 (7) The committee may establish subcommittees as it desires,
21 and may invite nonmembers to serve on these subcommittees.

22 (8) Nonlegislative members of the committee shall be reimbursed
23 for travel expenses under RCW 43.03.050 and 43.03.060.

24 (9) As used in this section, "parent or guardian" means (a)
25 natural, adoptive, or foster parents, (b) guardians, (c)
26 individuals acting in the place of a parent, with whom the child
27 lives, and who are legally responsible for the child's welfare, and
28 (d) surrogates acting at the request of a person named in
29 subsection (4)(a) through (c) of this section.

30 NEW SECTION. **Sec. 10.** The education advisory committee shall
31 advise and make recommendations to the superintendent of public
32 instruction regarding, but not limited to, the effectiveness of the
33 center for the improvement of student learning and the education
34 ombudsman, methods to increase community involvement in public
35 education, and strategies to improve the educational opportunities
36 for all students in the state.

37 **Sec. 11** RCW 42.56.240 and 2005 c 274 s 404 are each amended to

1 read as follows:

2 The following investigative, law enforcement, and crime victim
3 information is exempt from public inspection and copying under this
4 chapter:

5 (1) Specific intelligence information and specific
6 investigative records compiled by investigative, law enforcement,
7 and penology agencies, and state agencies vested with the
8 responsibility to discipline members of any profession, the
9 nondisclosure of which is essential to effective law enforcement or
10 for the protection of any person's right to privacy;

11 (2) Information revealing the identity of persons who are
12 witnesses to or victims of crime or who file complaints with
13 investigative, law enforcement, or penology agencies, other than
14 the commission, if disclosure would endanger any person's life,
15 physical safety, or property. If at the time a complaint is filed
16 the complainant, victim, or witness indicates a desire for
17 disclosure or nondisclosure, such desire shall govern. However, all
18 complaints filed with the commission about any elected official or
19 candidate for public office must be made in writing and signed by
20 the complainant under oath;

21 (3) Any records of investigative reports prepared by any state,
22 county, municipal, or other law enforcement agency pertaining to
23 sex offenses contained in chapter 9A.44 RCW or sexually violent
24 offenses as defined in RCW 71.09.020, which have been transferred
25 to the Washington association of sheriffs and police chiefs for
26 permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

27 (4) License applications under RCW 9.41.070; copies of license
28 applications or information on the applications may be released to
29 law enforcement or corrections agencies; ~~((and))~~

30 (5) Information revealing the identity of child victims of
31 sexual assault who are under age eighteen. Identifying information
32 means the child victim's name, address, location, photograph, and
33 in cases in which the child victim is a relative or stepchild of
34 the alleged perpetrator, identification of the relationship between
35 the child and the alleged perpetrator; and

36 (6) Investigative records of the education ombudsman, as
37 provided in section 7 of this act.

38 NEW SECTION. Sec. 12. Sections 1 and 3 through 10 of this act

1 are each added to chapter 28A.300 RCW.

2 NEW SECTION. Sec. 13. Section 11 of this act takes effect July
3 1, 2006.

4 NEW SECTION. Sec. 14. If specific funding for the purposes of
5 this act, referencing this act by bill or chapter number, is not
6 provided by June 30, 2006, in the omnibus appropriations act, this
7 act is null and void."

8 Correct the title.

9 EFFECT: Removes all language from the bill. Authority for the
10 center for improvement of student learning (CISL) stays with the
11 office of the superintendent of public instruction, rather than
12 moving to the governor's office. The education ombudsman's office
13 is created within the CISL. The education advisory committee is
14 created to advise the superintendent of public instruction. Adds
15 a "null and void" clause.